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 BUMBO (PTY) LTD.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

WENDY D. WHITSON, etc., et al.,

Plaintiff,

vs.

BUMBO, et al.,

Defendants.

Case No. C 07-5597 MHP

**DECLARATION OF JOHAN  
 NICHOLAS BUITENDACH IN  
 SUPPORT OF BUMBO (PTY)  
 LTD.'S REPLY TO OPPOSITION  
 TO AMENDED MOTION TO SET  
 ASIDE DEFAULT, QUASH  
 SERVICE, DISMISS FOR  
 INSUFFICIENT SERVICE OF  
 PROCESS AND LACK OF  
 PERSONAL JURISDICTION  
 AND FOR SANCTIONS**

Date: March 10, 2008  
 Time: 2:00 pm  
 Place: Courtroom of the Hon.  
 Marilyn Hall Patel

I, Johan Nicholas Buitendach, declare:

1. I am the Owner of Bumbo (Pty) Ltd. This declaration is submitted in support of Bumbo (Pty) Ltd.'s reply to plaintiff's opposition to Bumbo (Pty) Ltd.'s motion to set aside default, dismiss for insufficient service of process and lack of personal jurisdiction. I have personal knowledge of the facts attested to in this declaration, except for those facts stated upon information and belief, and, as to those facts, I believe them to be true. If called upon to do so, I could and would

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1 competently testify to all matters contained herein.

2 2. Bumbo (Pty) Ltd. is a manufacturing company located in South Africa  
 3 which manufactures the Bumbo Baby Sitter, an infant seat.

4 3. Bumbo (Pty) Ltd. is a private company which has been organized  
 5 under the laws of South Africa and has its principal place of business in Pretoria,  
 6 South Africa.

7 4. Bumbo (Pty) Ltd.'s one and only manufacturing plant and its  
 8 corporate headquarters are located in Pretoria, South Africa.

9 5. The Bumbo Baby Sitter is manufactured and assembled entirely in  
 10 South Africa by Bumbo (Pty) Ltd.

11 6. Bumbo (Pty) Ltd. manufactures the Bumbo Baby Sitter pursuant to a  
 12 manufacturing agreement with a separate legal entity, which trades as Bumbo  
 13 International. Bumbo International markets and distributes the Bumbo Baby Sitter  
 14 to various markets world-wide.

15 7. I am informed and believe that a company called Wartburg  
 16 Enterprises, Inc., located in Conroe, Texas, is an on-line distributor of the Bumbo  
 17 Baby Sitter in Texas.

18 8. I am informed and believe that, for a brief period of time, Wartburg  
 19 Enterprises, Inc. was given authority to communicate with the Consumer Product  
 20 Safety Commission (CPSC) on behalf of Bumbo (Pty) Ltd. concerning the recall  
 21 by the CPSC.

22 9. I am informed and believe that Wartburg Enterprises, Inc. set up a  
 23 website, <http://www.bumbosafety.com>, to respond to inquiries regarding the recall.  
 24 In addition, consumers were directed to download new warning labels regarding  
 25 the Baby Sitter from this website.

26 10. I am informed and believe that Wartburg Enterprises, Inc. incorrectly  
 27 stated on <http://www.bumbosafety.com> that the Baby Sitter was manufactured by  
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-2-

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1 "Bumbo International."

2 11. I am informed and believe that Wartburg Enterprises, Inc. listed the  
 3 name "Bumbo International" next to Wartburg's address in Conroe, Texas on the  
 4 website. Bumbo International does not now and never has had an office or address  
 5 in Conroe, Texas.

6 12. Bumbo (Pty) Ltd. and Wartburg Enterprises, Inc. are separate  
 7 companies and do not share common shareholders, officers, directors, employees  
 8 or offices.

9 13. Bumbo International and Wartburg Enterprises, Inc. are also separate  
 10 companies and do not share common shareholders, officers, directors, employees  
 11 or offices.

12 14. Wartburg Enterprises, Inc. is not authorized by Bumbo (Pty) Ltd. to  
 13 accept service of process on behalf of Bumbo (Pty) Ltd. or Bumbo International.

14 15. Neither Bumbo (Pty) Ltd. nor Bumbo International maintain any  
 15 offices or employees anywhere in Conroe, Texas.

16 I declare under penalty of perjury under the laws of the United States of  
 17 America that the foregoing is true and correct.

18 Executed this 22 day of February, 2008 at RETOLETA.

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 21   
 22 Johan Nicholas Buitendach  
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